

REMARKS

The Examiner has rejected all of the claims, namely, claims 1-3 and 5-7, as being obvious over a combination of Bauer et al., U.S. Patent No. 523,508 and Bucknam, U.S. Patent No. 1,663,329. As hereinafter described, applicant has amended the pending claims in order to more particularly define the invention for which protection is sought. Reconsideration of the Examiner's rejections is respectfully requested in view of the following comments.

Claim 1 defines a blade scraper for a tillage implement having a frame, a horizontal shaft suspended from the frame, a plurality of rotating disk blades arranged in laterally spaced relationship on the shaft, and a hub spool surrounding the shaft between at least a pair of adjacent disk blades. A first end of the spool contacts one of the pair of adjacent disk blades thereby creating a transition joint between the first end of the hub spool and a surface of one of the pair of adjacent disk blades. The disk scraper includes a bracket connected to the frame and a rotating disk mounted to the bracket. The rotating disk has an axis of rotation and a circumferential edge. The bracket is connected to the frame and the rotating disk is mounted to a lower end of the bracket such that the circumferential edge of the rotating disk is adjacent the transition joint and such that the lower end of the bracket is between the rotating disk and one of the pair of adjacent disk blades. The surface of one of the pair of adjacent blades is concave in shape and the one of the pair of adjacent disk blades includes an annular depression relative to the concave surface. The annular depression surrounds the transition joint. The circumferential edge of the rotating disk is located within the annular depression. The concave-shaped surface defines a cavity and the rotating disk is received entirely within such cavity. As hereinafter described, nothing in the cited references shows or suggests providing a circumferential edge of the rotating disk within the annular depression in the surface of the one of the pair of adjacent disk blades or positioning the rotating disks entirely within the cavity defined by the concave shaped surface of the one of the pair of adjacent disk blades.

The Bauer et al., '508 patent discloses a disk blade scraper having a bracket connected to the frame and a rotating disk mounted to the bracket. As noted by the Examiner, the '508 patent does not show a rotating disk including an annular depression relative to a concave surface surrounding a transition joint. Further, as best seen in the figure of the '508 patent, the disk blade scraper projects from the cavity defined by the concave surface of the disk blade. Further, nothing in the '508 patent shows or suggests positioning the circumferential edge of the rotating disk within an annular depression provided in the concave surface as required by independent claim 1. As hereinafter described, the Buckman '239 patent cannot overcome the deficiencies of the '508 patent.

The Buckman '239 patent discloses tillage implement including rotating disk blades arranged in laterally spaced relationship on the shaft. The disk blades include an annular depression and are spaced by corresponding hub spools. It is noted, however, that nothing in the '239 patent shows or suggests providing a disk blade scraper, much less the position of the disk blade such that the circumferential edge of the rotating disk thereof is located within the annual depression. Further, nothing in the '239 patent shows or suggests positioning the rotating disk of the disk blade scraper in entirely within the cavity defined by the concave surface of the disk blade.

While the cited references may disclose elements of the disk blade scraper defined in independent claim 1, neither of the cited references shows or suggests the exact arrangement of elements of the disk blade scraper of the present invention. As is known, “[t]he fact that references can be combined require a selected combination to render obvious a subsequent invention, there must be some reason for the combination other than the hindsight gained from the invention itself, i.e., something in the prior art as a while must suggest the desirability, and thus the obviousness, of making the combination”. *Uniroyal Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044, 5 U.S. P. Q. 2d 1434 (Fed. Cir.; 1988).

Amendment

Serial No. 10/788,624 filed on February 27, 2004

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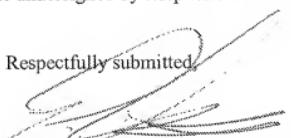
As there is no teaching or suggestion in the cited references to provide a disk blade scraper wherein the circumferentially edge of the rotating disk is located within the annular depression of the concave surface of a disk blade or for the rotating disk to be received entirely within the cavity, it is believed that the Examiner has impermissibly used the teachings of the present application in hindsight as the motivation for the combination suggested. Clearly, there is insufficient teaching in the cited references to provide a disk blade scraper defined in independent claim 1. Consequently, it is believed that independent claim 1 defines over the cited references and is in proper form for allowance.

Claims 2-3 and 5-7 depend either directly or indirectly from independent claim 1 and further define a disk blade scraper not shown or suggested in the art. It is believed that claims 2-3 and 5-7 are allowable as depending from an allowable base claim and in view of the subject matter of each claim.

Applicant believes that the present application with claims 1-3 and 5-7 is in proper form for allowance and such action is earnestly solicited. Should the Examiner consider any fees to be payable in conjunction with this or any future communication, authorization is given to direct payment of such fees, or credit any overpayment to Deposit Account No. 50-1170.

The Examiner is invited to contact the undersigned by telephone if it would help expedite matters.

Respectfully submitted,



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